

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ASHLEY PIERRELOUIS, Individually
and On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

GOGO INC., MICHAEL J. SMALL,
NORMAN SMAGLEY, BARRY
ROWAN, and JOHN WADE,

Defendants.

Case No. 18-cv-04473

Hon. Jorge L. Alonso

**UNOPPOSED MOTION TO ENTER AN AGREED BRIEFING SCHEDULE AND
FOR LEAVE TO FILE BRIEFS IN EXCESS OF THE PAGE LIMIT**

Defendants Gogo Inc., Michael J. Small, Norman Smagley, Barry Rowan, and John Wade (collectively, the “Defendants”), by and through their undersigned counsel, respectfully request that the Court (i) enter an agreed briefing schedule for Defendants’ forthcoming motion to dismiss the Third Amended Complaint; and (ii) grant leave to exceed the page limit under Local Rule 7.1 for Defendants’ opening brief and Lead Plaintiff’s response thereto. In support of this unopposed motion, Defendants state as follows.

1. On July 22, 2020, Lead Plaintiff Daniel Rogers filed his Third Amended Complaint in this case asserting federal securities claims arising under the Securities Exchange Act of 1934, and governed by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), *see* 15 U.S.C. § 77z-1, *et seq.*; 15 U.S.C. § 78u-4, *et seq.*

3. Defendants intend to file a motion to dismiss the Third Amended Complaint pursuant to the PSLRA and Federal Rules of Civil Procedure 12(b)(6) and 9(b).

4. Subject to the Court's approval, the Parties have agreed upon the following briefing schedule for Defendants' motion to dismiss:

- a) Defendants' motion to dismiss: September 21, 2020.
- b) Lead Plaintiff's response: November 20, 2020.
- c) Defendants' reply: December 21, 2020.

5. Defendants respectfully request that the Parties be permitted to file their papers in support of and in opposition to the motion to dismiss in accordance with the briefing schedule set forth above.

6. In addition, Local Rule 7.1 states that a brief in support of or in opposition to any motion may not exceed 15 pages without prior approval of the court. In order for Defendants to address the voluminous allegations set forth in the Third Amended Complaint, and the reasons the Third Amended Complaint fails to state a claim as a matter of law with respect to each of the numerous statements alleged to be false or misleading and each of the five Defendants, Defendants respectfully request leave to file an initial brief not to exceed 30 pages.

7. Lead Plaintiff does not oppose Defendants' request for leave to exceed the page limit, provided that Lead Plaintiff receives an equivalent extension for his brief in opposition to the motion to dismiss.

8. The requested enlargement of the page limit is the same as the Court granted in connection with Defendants' previous two motions to dismiss in this case.

WHEREFORE, Defendants Gogo Inc., Michael J. Small, Norman Smagley, Barry Rowan, and John Wade respectfully request that the Court enter an order granting the following relief: (i) Defendants' motion to dismiss Lead Plaintiff's Third Amended Complaint shall be filed by September 21, 2020; (ii) Lead Plaintiff's response to Defendants' motion to dismiss shall be filed

by November 20, 2020; (iii) Defendants' reply in support of their motion to dismiss shall be filed by December 21, 2020; (iv) the page limit for Defendants' initial brief in support of their motion to dismiss shall be 30 pages; and (v) the page limit for Lead Plaintiff's brief in opposition to Defendants' motion to dismiss shall be 30 pages.

Dated: July 31, 2020

Respectfully submitted,

GOGO INC., MICHAEL J. SMALL,
NORMAN SMAGLEY, BARRY ROWAN,
AND JOHN WADE

By: /s/ Andrew G. May
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that he caused a copy of *Unopposed Motion To Enter An Agreed Briefing Schedule And For Leave To File Briefs In Excess Of The Page Limit* to be electronically filed using the CM/ECF system, which will send notice of this electronic filing to all counsel of record receiving electronic notification on July 31, 2020.

/s/ Andrew G. May